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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,345	07/07/2003	Jack I. J'maev	JJ-036-US	8700

7590 05/31/2005

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EXAMINER

FISHER, MICHAEL J

ART UNIT PAPER NUMBER

3629

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,345

Applicant(s)

J'MAEV, JACK I.

Examiner

Michael J Fisher

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-7,9,11-17,19,20 and 22-39 are rejected under 35 U.S.C. 102(b) as being anticipated by US PAT 5,442,553 to Parrillo.

As to claim 1, Parrillo discloses accepting a product identifier (col 5, lines 7-13), generating and sending a signal message according to the product (col 5, lines 14-19).

As to claim 9, Parrillo further discloses determining a communications channel (col 5, lines 1-2).

As to claims 20 and 29, Parrillo discloses a product identification unit (col 5, lines 31-32), a signal generator that generates a signal according to the identifier and transmits the signal (col 5, lines 22-25) a communications interface configurable according to the product identifier (col 5, lines 1-2).

As to claims 3,12,22,32, Parrillo discloses the signal message including the identifier (inherent in that the message is directed toward the product via the identifier).

As to claims 4,13,22,33, the digital identifier would be the cellphone number.

As to claim 5, Parrillo discloses identifying a target group (col 5, lines 33-42), determining a channel (as the owners are notified, this would be inherent), conveying the message to the channel (the owners are notified).

Art Unit: 3629

As to claims 6,11, the channel is the telephone number (col 4, line 68- col 5, line 2).

As to claims 7,16,26,36, Parrillo discloses determining a time and transmitting at that time (col 4, lines 65-68).

As to claims 14, 34 Parrillo disclose transmitting to a wireless receiver, or interface (cellphone).

As to claims 15,35, a cellphone network is a switched, telephone network.

As to claim 17,27,37 Parrillo discloses conveying messages on a periodic basis (col 5, lines 7-13, emphasis on line 10).

As to claims 19 and 39, Parrillo discloses receiving an acknowledgement (the return information would be acknowledgement) and therefore would be capable of this.

As to claim 24, as the system is shown to transmit to a particular cellphone (the channel being the cellphone network and cellphone number), it would inherently be capable of receiving channel information and directing a message accordingly.

As to claims 25 and 31, the interface is a cellphone interface configurable according to a telephone number (inherent in that it directs a signal according to a telephone number).

As to claims 28 and 38, as it is well known in the art for cellphones to receive time beacons, a cellphone transmitter would be capable of conveying a time beacon to the product.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2,8,10,18,21, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrillo.

As to claims 2,10,21 and 30, Parrillo does not specifically teach including a serial number with the product identifier. Parrillo does teach the identifier information as identifying the type of automobile (col 5, lines 33-35). It is very well known in the art to use a vehicle identification number (VIN) to identify a car. Further, it is inherent that VINs include information about the automobile. For instance, the first letter is the country of origin. Subsequent numbers in the VIN identify year, make and model. Further, the last 6 numbers identify the exact automobile. Therefore, as Parrillo discloses tracking information on specific models it would have been obvious to one of

Art Unit: 3629

ordinary skill in the art to modify the system as disclosed by Parrillo by using a VIN so that the information on specific models would be easier to ascertain and sort.

As to claims 8 and 18, it is very well known in the art to send a time beacon to a cellphone (cellphones typically display the time, the signal containing time being sent by the service provider). Further, Parrillo discloses tracking problems (col 5, lines 35-39). Therefore, it would have been obvious to modify the system as disclosed by Parrillo by including a time for problems so the various receivers could note the time of each problem to gauge the severity, as a more often occurrence would signal a greater problem. Further, it would have been obvious to include a time beacon sent by the system to ensure that the times given are correct.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

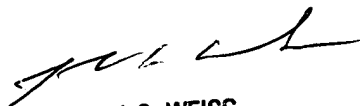
Application/Control Number: 10/615,345

Page 6

Art Unit: 3629

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
5/25/05


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